IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.78512-M of 2006

DATE OF DECISION:13.02.2007

Gurdev Singh & Ors. .....Petitioners

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri JS Chaudhary, Sr.Advocate
with Shri D.S. Chanan, Advocate
for the petitioners.

Shri N.S. Gill, AAG, Punjab.

Shri Kanwaljit Singh, Advocate
for the complainant.

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The Petitioners apprehending their arrest in a non-bailable offence in case FIR No. 139 dated 24.10.2006 under Sections 406/420/120-B IPC, registered at Police Station Dakha, District Ludhiana, have filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioners contends that two agreements were executed by the petitioners i.e. 15.5.2006 and 17.5.2006, with the complainants for sale of the land in question and the earnest amount, as alleged in the agreements, was also received by the petitiones. Counsel further contends that as per the agreements, the sale deeds were to be executed by 8.5.2006, but since the complainants could not arrange the sale consideration, therefore, time was extended several times with the consent of the parties. Further, as per the extended time, the sale deeds were to be executed by 28.6.2006. Counsel contends that even during the

extended time, the sale consideration could not be arranged by the complainants, therefore, sale deed could not be executed and thereafter the petitioners sold the land to a third person. Counsel contends that in this case there was no cheating and the petitioners were always ready and willing to perform their part of the agreement, but the complainants were not having the sale consideration. Counsel contends that in the agreement dated 17.5.2005, some additions were made by the complainants. Counsel further contends that the complainants have already filed a civil suit in this regard, which is pending, in which the petitioners have put their appearance.

Counsel for the petitioners further contends that in view of the order dated 14.12.2006, the petitioners have joined the investigation. The fact of joining the investigation as well the facts stated in the order dated 14.12.2006 could not be controverted by the counsel for the respondent-State as well as by the counsel for the complainant.

In view of the above, the interim bail, granted vide order dated 14.12.2006 is made absolute subject to the same terms and conditions.

Disposed of accordingly.

February 13, 2007 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**